

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District	
Name: <u>William Jewett Jr</u>		Prisoner No.	Case No.
Place of Confinement <u>OCCC</u>			
Name of Petitioner (include name under which convicted) <u>William Jewett Jr</u>		Name of Respondent (authorized person having custody of petitioner) <u>Referred to MT Leo T. Fordkin</u> <u>v. Bernard Brady</u>	
The Attorney General of the State of: <u>Tom Reily</u>			

PETITION

1. Name and location of court which entered the judgment of conviction under attack PLYMOUTH
SUPERIOR COURT
2. Date of judgment of conviction November 23, 1998
3. Length of sentence Life & 19-20
4. Nature of offense involved (all counts) _____

5. What was your plea? (Check one)
 - (a) Not guilty ☒
 - (b) Guilty ☐
 - (c) Nolo contendere ☐
 If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)
 - (a) Jury ☒
 - (b) Judge only ☐
7. Did you testify at the trial?
Yes ☐ No ☒
8. Did you appeal from the judgment of conviction?
Yes ☐ No ☒

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9. If you did appeal, answer the following:

- (a) Name of court MASSACHUSETTS APPEALS COURT
- (b) Result _____
- (c) Date of result and citation, if known U.K.
- (d) Grounds raised MASSACHUSETTS STATE CONSTITUTION
ARTICLE XII to SIX AMENDMENTS FOURTEEN AMENDMENTS
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following:
- (1) Name of court MASSACHUSETTS SUPREME JUDICIAL COURT
- (2) Result DENIED
- (3) Date of result and citation, if known U.K.
- (4) Grounds raised INEFFECTIVE OF COUNSEL, MISLEADING GRAND
JURY, IMPROPER EXPERT OPINION
- (f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:
- (1) Name of court NO
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court _____
- (2) Nature of proceeding _____
- (3) Grounds raised _____

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(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result _____

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Defendant Rights to Due Process,

Supporting FACTS (state briefly without citing cases or law) Defendants Rights to Due Process were violated where Governments Report Stated That The sperm found on victim AND Her parties was old AT The Time of Her Death AND consistent with prior consensual sex with Defendant, prosecution presented its case as The sperm had been deposited just Before victim's Death, was Evidence of Rape, and connected Defendant to The Crime,

B. Ground two: ineffective assistance of counsel

Supporting FACTS (state briefly without citing cases or law): Defendant Received ineffective counsel when His attorney unprofessionally failed to investigate or utilize exculpatory information that sperm found on the victim AND Her parties was old AT The Time of Her alleged Rape AND murder, and Had He acted professionally, There was a Reasonable Probability That The Result would Have Been different

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C. Ground three: Police officer misled grand jury

Supporting FACTS (state briefly without citing cases or law): Where a police officer misled the grand jury to believe that sperm matched to defendant had been deposited in victim's vagina and panties just before the victim's death (and consistent with rape and murder) and the information possessed by the prosecutor and police officer at the time indicated that the sperm was not deposited just before death but was 24-36 hours old (and not consistent with rape and murder).

D. Ground four various factors including improper expert opinion of sexual assault.

Supporting FACTS (state briefly without citing cases or law): Where various factors including improper expert opinion of sexual assault, lack of an accident instruction, the improper allowance into evidence of highly prejudicial statements allegedly made by the defendant several years after the crime, along with the inherent weakness of the alleged jail house confession and the other errors already noted in preceding sections, raise a substantial likelihood of miscarriage of justice, a new trial should be awarded.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: ineffectiveness

of appellate counsel for failing to file jury misconduct motion
lied on application & court has knowledge of this incident
& of outburst in court by said juror.
6th Amendment on the issue of "expert opinion on sexual assault"
Failing to assert

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
 Yes ☐ No ☐

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing MARNOLD TAJRIN BOSTON, ~~Robert JUBINVILLE~~
~~MARNOLD TAJRIN BOSTON, GRADY G.P.S.~~

(b) At arraignment and plea " Robert JUBINVILLE
MARNOLD TAJRIN BOSTON

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(c) At trial

Robert Jubinville

(d) At sentencing

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(e) On appeal

MYLES JACOBSON

(f) In any post-conviction proceeding

(g) On appeal from any adverse ruling in a post-conviction proceeding

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

(b) Give date and length of the above sentence:

Life & 19 to 20 years

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☒ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

(date)_____
Signature of Petitioner